



U.S. Department of Justice
Immigration and Naturalization Service

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Office of the Executive Associate Commissioner

*425 I Street NW
Washington, DC 20536*

4/30/99

MEMORANDUM FOR REGIONAL DIRECTORS

FROM: Michael A. Pearson /S/
Executive Associate Commissioner
Office of Field Operations

SUBJECT: Supplemental Detention Procedures

This memorandum provides supplemental instructions to the Field Operations memos of October 7, 1998 on INS Detention Use Policy, and the February 3, 1999 memo on Detention Procedures for Aliens whose Immediate Repatriation is not Possible or Practicable. The memorandum is provided to clarify that all aliens who have an administratively final order but whose immediate repatriation is not practicable or proper will receive periodic review of their custody status pursuant to the appropriate regulation or policy guidance.

- (1) Mariel Cubans: Review procedures under 8 C.F.R. § 212.12 continue to apply to the discretionary release of inadmissible Mariel Cubans subject to exclusion or removal proceedings;
- (2) Other alien categories [non-Mariel Cubans and other nationals] that are subject to an administratively final order, including --
 - (a) aliens convicted of an aggravated felony offense who are subject to the provisions of old INA § 236(e)(1) - (3); and
 - (b) non-aggravated felon aliens with final orders of exclusion

shall receive periodic custody status reviews pursuant to the procedures outlined in the February 3rd memo pertaining to administratively final order removal cases.

Also, on page 2 of the February 3, 1999 memorandum, fifth paragraph, the second sentence should read: “Under 8 C.F.R. § **236.1(d)(3)** [emphasis added], the alien may appeal the District Director’s decision to the Board of Immigration Appeals.”

Attachments

Field Operations memo of October 7, 1998 on INS Detention Use Policy;
February 3, 1999 memo on Detention Procedures for Aliens whose Immediate Repatriation is not Possible or Practicable.